

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:	:
	:
1606 K, LLC	:
t/a Fuel Pizza & Wings	: Show Cause
1606 K Street, NW	: Hearing
Retailer CR - ANC-2B	: (Status)
License No. 88452	:
Case #14-AUD-00062	:
(Failed to File Quarterly	:
Statements-1st Quarter 2013	:
and 4th Quarter 2013)	:
Case #14-AUD-00100	:
(Failed to File Quarterly	:
Statements-2nd Quarter 2014)	:
Case #14-AUD-00040	:
(Failed to File Quarterly	:
Statements-4th Quarter 2013)	:

January 7, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 11:11 a.m.

3 CHAIRPERSON MILLER: So I am now
4 calling cases 14-AUD-00062, 14-AUD-00100 and --

5 MEMBER ALBERTI: That's all I have is
6 two cases.

7 CHAIRPERSON MILLER: I only have two
8 more cases.

9 MS. PHILLIPS: 14-AUD-0040?

10 MEMBER ALBERTI: Nope.

11 MEMBER RODRIGUEZ: 0040?

12 MS. PHILLIPS: 00040, I'm sorry.

13 MEMBER ALBERTI: We don't have that on
14 our calendar, but I suppose we could entertain
15 it.

16 CHAIRPERSON MILLER: Yes.

17 MS. PHILLIPS: Well, we had them all
18 on the calendar.

19 MEMBER ALBERTI: We do?

20 MS. PHILLIPS: Okay.

21 MEMBER ALBERTI: I don't see it here.

22 MS. PHILLIPS: One, two, three, four,

1 five, yes.

2 MEMBER ALBERTI: I don't see it
3 either.

4 MS. PHILLIPS: I don't know why Mr.
5 Stern put -- gave me all six cases and put down
6 that all six were on the calendar. I see there
7 are only five on the calendar.

8 MEMBER ALBERTI: Do you know if
9 service has been made for all -- for -- is it the
10 one ending in 40?

11 MS. PHILLIPS: 40 is the one you don't
12 have on the calendar?

13 MEMBER ALBERTI: Yes, the one ending
14 in 40, has service been made?

15 MS. PHILLIPS: Let me check. I know
16 that negotiations have been on 40, but I don't
17 see in my file that there has -- wait a minute,
18 what's this? That there was service in the file
19 that I have before me. I don't have a separate
20 service paper.

21 CHAIRPERSON MILLER: Mr. Tabiei is
22 here. I think that --

1 MS. PHILLIPS: That they could waive
2 service if they want to resolve this sixth case.

3 MEMBER ALBERTI: Yes.

4 CHAIRPERSON MILLER: Right. I mean,
5 that's my initial question. I mean, my initial
6 question is did you receive notice of this
7 hearing on these cases?

8 MR. TABIEI: We received notice of the
9 hearing for the cases that we have appeared for
10 here today.

11 CHAIRPERSON MILLER: But the question
12 is did you -- are you prepared to and did you get
13 notice on Case No. 00040, which isn't listed on
14 our calendar?

15 MR. TABIEI: I don't have the notice
16 in front of me, so I would not be able to say
17 whether we received it or not.

18 CHAIRPERSON MILLER: Okay. So the
19 question Ms. Phillips was saying is you can waive
20 notice if you would like the Board to consider
21 another global Offer in Compromise including that
22 case.

1 MR. TABIEI: Sure. If I may --

2 CHAIRPERSON MILLER: Yes.

3 MR. TABIEI: -- with the Court's
4 indulgence?

5 CHAIRPERSON MILLER: Yes.

6 MR. TABIEI: We will move forward in
7 waiving service for 0040.

8 CHAIRPERSON MILLER: Okay. And then
9 maybe, Ms. Phillips, if you can give us a little
10 information on what we are voting on, since we
11 don't have it before us.?

12 MS. PHILLIPS: Failure to file
13 quarterly statement.

14 CHAIRPERSON MILLER: Quarterly
15 statements. Failure to timely file.

16 MS. PHILLIPS: I just checked to make
17 sure 40 was also a quarterly statement.

18 CHAIRPERSON MILLER: Right, okay.
19 Okay. All right. Then without objection then,
20 we will consider an Offer in Compromise if the
21 parties have one that relates to those three
22 cases involving Fuel Pizza & Wings at 1606 K

1 Street, N.W.

2 MS. PHILLIPS: So, Madam Chair, Louise
3 Phillips again for the Government. I would like
4 to present Offers in Compromise considered by the
5 parties on these matters.

6 And I will start with 62 and that
7 consists of a \$1,000 fine on Charge 1, Charge 2
8 will be dismissed, to be paid within 90 days.

9 On 40, ready?

10 CHAIRPERSON MILLER: Yes.

11 MS. PHILLIPS: On 40 --

12 CHAIRPERSON MILLER: 40, okay.

13 MS. PHILLIPS: -- that is to be a fine
14 of \$500. The fine to be paid within 90 days or
15 the license will be suspended.

16 And then on 100, the fine will consist
17 of \$2,000 and must be paid within 90 days or the
18 license will be suspended. That total is \$3,500
19 for the Offer in Compromise on these three cases
20 at 1606 K Street, N.W.

21 CHAIRPERSON MILLER: Okay. And, Mr.
22 Tabiei, does your client agree to this Offer in

1 Compromise of a total of \$3,500 to be paid within
2 90 days of today's date or else the license will
3 be suspended? \$1,000 for 62; \$500 for 40; and
4 \$2,000 for --

5 MS. PHILLIPS: 100.

6 CHAIRPERSON MILLER: -- 100, totalling
7 the \$3,500?

8 MR. TABIEI: Sir, do you agree?

9 MR. CONVERSE: Yes.

10 MR. TABIEI: We do, ma'am.

11 CHAIRPERSON MILLER: And do you
12 understand that you waive your right to a hearing
13 and right to appeal the penalty?

14 MR. CONVERSE: Yes.

15 CHAIRPERSON MILLER: Okay. Any
16 questions by Board Members? Okay. Then at this
17 point, I move that we approve this Offer in
18 Compromise of \$3,500 to be paid within 90 days or
19 else the license will be suspended until payment
20 of this penalty and that 90 days runs from
21 today's date.

22 MEMBER SHORT: Second.

1 CHAIRPERSON MILLER: Mr. Short has
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 5-0-0. Okay. So the Board will be
8 issuing a written order addressing all these
9 cases. Thank you very much.

10 MR. TABIEI: Thank you.

11 MR. CONVERSE: Thank you.

12 MS. PHILLIPS: I'm sorry, Madam
13 Chair --

14 CHAIRPERSON MILLER: Did you miss
15 something? Did I miss something?

16 MS. PHILLIPS: No, not on these cases.

17 CHAIRPERSON MILLER: Oh.

18 MS. PHILLIPS: You did say that you
19 would recall Georgia Line and Justin's Cafe.

20 CHAIRPERSON MILLER: Are they here?

21 MS. PHILLIPS: Officially, would you
22 like to do that before break?

1 CHAIRPERSON MILLER: No, I don't think
2 so. Can we just get rid of -- they are here?

3 MS. PHILLIPS: I don't know whether
4 they are here, but you said you --

5 CHAIRPERSON MILLER: Oh, no.

6 MS. PHILLIPS: -- officially, so you--

7 CHAIRPERSON MILLER: Okay. I think
8 what I meant was --

9 MS. PHILLIPS: -- the delays --

10 CHAIRPERSON MILLER: I thought I did
11 call them officially, except the hearing dates
12 and said but if they did show up --

13 MS. PHILLIPS: Show up.

14 CHAIRPERSON MILLER: -- and they
15 wanted to appear before the Board, we would --

16 MS. PHILLIPS: Well --

17 CHAIRPERSON MILLER: -- entertain
18 that.

19 MS. PHILLIPS: Right.

20 CHAIRPERSON MILLER: Is anybody here
21 from Georgia Convenience?

22 MS. PHILLIPS: Georgia Line

1 Convenience.

2 CHAIRPERSON MILLER: Georgia Line

3 Convenience? No.

4 MS. PHILLIPS: Or Justin's Cafe?

5 CHAIRPERSON MILLER: Justin's Cafe?

6 No.

7 MS. PHILLIPS: Thank you.

8 CHAIRPERSON MILLER: Okay. Thank you
9 very much. Okay. So now the Board will convene
10 for the closed meeting that we voted on with
11 respect to Stroga.

12 (Whereupon, the Show Cause (Status)
13 Hearings in the above-entitled matters were
14 concluded at 11:18 a.m.)
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